

* E-filed 11/5/07 *

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

3M COMPANY,

Plaintiff,

v.

MAURICE KANBAR, MK ENTERPRISES,
INC., ROLLIT, LLC, AND REX PRODUCTS,
INC.,

Defendants.

Case No. CV 06-01225 HRL

**ORDER TO SHOW CAUSE WHY
DOCUMENTS SHOULD NOT BE MADE
PART OF THE PUBLIC RECORD**

Re: Docket No. 110

Civil Local Rule 79-5 states that "a sealing order may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law." Rule 79-5 further states that "a stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of documents under seal." (emphasis added)

The parties stipulated to having pages 2 and 3 of Docket Number 107 (Plaintiff's Memorandum in Opposition to Defendants' Motion to Compel) and Exhibits 3, 4, and 20 of Docket Number 108 (Leviton Declaration in Support of Opposition) filed under seal. Plaintiff declared that those portions should be filed under seal because they were designated by Defendants as confidential. This is insufficient under Rule 79-5.

1 Defendants are directed to submit by **November 9, 2007** either 1) the requisite
2 declarations showing why the documents (or portions thereof) should be filed under seal, or 2) a
3 statement of non-opposition to the documents being made part of the public record.

4 If court does not receive the necessary declaration on that date, these documents will be
5 made part of the public record.

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7 **IT IS SO ORDERED.**

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9 Dated: 11/2/07

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HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 THIS SHALL CERTIFY THAT A COPY OF THIS ORDER WILL BE SENT TO:

2 John Cameron Adkisson jca@fr.com, mla@fr.com

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11 Kevin H. Rhodes krhodes@mmm.com

12 Constance Jiun-Yee Yu cyu@sideman.com

13
14 * Counsel are responsible for providing copies of this order to co-counsel.

15 Dated: 11/5/2007

16 /s/ KRO
17 Chambers of Magistrate Judge Lloyd
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